C.S. 402 (5)

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G).

WRIT PETITION NO. 1388 OF 2004

Division Bench

PETITIONERS:

1. Dr. Zakir Hussain National University, Raipur, A Private University established, incorporated and notified under Chhattisgarh Nizi Kshetra Vishwa Vidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002, Through: Its Acting Registrar Mr. Anil Kumar Jamwal, S/o Shri S.C. Jamwal, Aged about 27 years, R/o P/1, Priyadarshini Nagar, Ring Road, Raipur (C.G.)

P.R. No. 1402/04 Presented by Shri ... dated 14-5-04

2. The Global University, Raipur, A Private University established, incorporated and notified under Chhattisgarh Nizi Kshetra Vishwa Vidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002, Through: Its Registrar Mr. G.B.G. Shashi K. Tiwari, S/o Prof. S.C. Tiwari, Aged about 28 years, R/o Priyadarshini Nagar, Ring Road, Raipur (C.G.)

3. Srishti University, Raipur, A Private University established, incorporated and notified under Chhattisgarh Nizi Kshetra Vishwa Vidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002, Through: Its Registrar Mr. Sanjay Verma, S/o Shri Prasheshwarlal Verma, Aged about 40 years, R/o J-5, Anupam Nagar, Raipur (C.G.)

शपथ आयुक्त ... बिलासपुर तहसील कोर्ट

4. Indian University, Raipur, A Private University established, incorporated and notified under Chhattisgarh Nizi Kshetra Vishwa Vidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002, Through: Its Registrar Miss Anjali Jaiswal,

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D/o Shri Krishna Kumarlal Jaiswal, Aged about 41 years, R/o 726/2, Gitti Khadan Road, Old Civil Lines, Raipur (C.G.)

- Versus -

RESPONDENTS:

1. State of Chhattisgarh, Through: Secretary, Department of Higher Education, Mantralaya, D.K.S. Bhawan, Raipur (C.G.).

2. Regulatory Commission, Constituted under the Chhattisgarh Nizi Kshetra Vishwa Vidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 (No.2 of 2002), C/o Secretary, Department of Higher Education, Mantralaya, D.K.S. Bhawan, Raipur (C.G.).

3. University Grants Commission, Through: Its Chairman, Bahadur Shah Zafar Marg, New Delhi.

4. All India Council of Technical Education, Indira Gandhi Sports Complex, I.P. Estate, New Delhi-110002.

5. Medical Council of India, Through: Its Secretary, Aiwan-E-Galib Marg, Opp. Mata Sundari College for Women, New Delhi – 110 002.

6. Pharmacy Council of India, Combined Councils Building, Kotla Road, Aiwan-Galib Marg, P.O. Box No.7020, New Delhi – 110 002.

7. National Council of Teachers Education, Indira Gandhi Indoor Stadium, I.P. Estate, New Delhi-110002.

8. Nursing Council of India, Kotla Road, Temple Lane, New Delhi-110002.

कपथ आयुक्त
एम.के. शुक्ला
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

9. Bar Council of India, 21, Institutional Area, Rouse Avenue, New Delhi-110002.

10. Distance Education Council, Through: Its Director, DEC Building, IGNOU Campus, Maidan Garhi, New Delhi-110068.

WRIT PETITION UNDER ARTICLES 226 / 227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 1388 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH:

HON'BLE SHRI A.K. PATNAIK, CJ
& HON'BLE SHRI SUNIL KUAMR SINHA, J.

25.06.2005:

Heard Mr. S.R.J. Jaiswal, learned counsel for the petitioners, Mr. P.S. Koshy, learned Dy. Advocate General for the State of Chhattisgarh and Mr. Vinay Harit, Sr. Advocate with Mr. A. Swamkar, learned counsel for respondents 3 & 6.

In this writ petition the petitioners have challenged the constitutional validity and vires of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2004 by which the provisions of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 are sought to be amended.

By a judgment of the Supreme Court dated 11.02.2005 delivered in Writ Petition (Civil) No.19 of 2004 (Professor Yashpal & Others vs. State of Chhattisgarh & Others), the Supreme Court has declared the provisions of Sections 5 & 6 of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 as ultra vires the Constitution and has also quashed the notifications issued by the State Government in the Gazette in the purported exercise of the power under Section 5 of the aforesaid Act notifying the universities and also held that the universities shall cease to exist.

In view of the said judgment of the Supreme Court dated 11.02.2005, this writ petition does not survive and accordingly the same is dismissed.

Sd/-
Chief Justice

Sd/-
Sunil Kumar Sinha
Judge

Subbu